

## **ORDER TO ADOPT**

Title 13, Division 1, Chapter 1

Article 2. Driver Licenses and Identification Cards

### **§15.00. Information Required to Establish Legal Presence in the United States (U.S.) for Purpose of Determining Eligibility for an Original Driver License or Identification Card.**

(a) U.S. citizens who apply for an original driver license or identification card shall submit one of the following documents that is legible and unaltered to establish proof of the person's legal presence in the United States.

(1) A certified copy of a United States birth certificate issued in or by a city, county, or state vital statistics department.

(2) A U.S. Certificate of Birth Abroad (FS-545, DS-1350) or a Report of Birth Abroad of U.S. Citizen (FS-240).

(3) A Proof of Indian Blood Degree issued by the federal government.

(4) A Certified Birth Certificate issued from:

(A) Puerto Rico, on or after January 13, 1941.

(B) Guam, on or after April 10, 1899.

(C) U.S. Virgin Islands, on or after January 17, 1917.

(D) Northern Mariana Islands, after November 4, 1986.

(E) American Samoa.

(F) Swain's Island.

(G) District of Columbia.

(5) A U.S. passport (Expired or unexpired).

(6) One of the following unexpired U.S. Military Identification Cards and documents:

(A) DD-2 for active duty, reserve or retired Air Force, Army, Marine Corps, or Navy.

(B) DD-1173 for dependents of active duty military personnel, Air Force, Army, Marine Corps, or Navy.

(C) AF-447, A-447, MC-447, N-447 for dependents of reserve duty military personnel, Air Force, Army, Marine Corps, or Navy.

(D) DD-1934 for Medical/Religious personnel.

(E) DD-214 Report of Separation for Air Force, Army, Marine Corps, or Navy personnel.

(7) Certificate of Naturalization (N-550, N-570, N-578).

(8) Certificate of Citizenship (N-560, N-561, N-645).

(9) Northern Mariana Card issued by ~~INS~~ DHS (I-551).

(10) American Indian Card issued by ~~INS~~ DHS (I-551).

(11) U.S. Citizen Identification Card (I-179, I-197).

(b) Immigrants shall submit one of the following ~~United States Immigration and Naturalization Service (INS)~~ Department of Homeland Security (DHS) documents or other document with an ~~INS~~ DHS notation to prove their legal presence in the United States. Immigrants are persons who have lawful permanent residency status as defined in the Code of Federal Regulations, Title 8; part 1; section 1.1(p). Documents must be legible and unaltered to establish proof of the person's legal presence in the United States.

(1) Resident Alien Card (I-551, AR-3, AR-3A, AR-103).

(2) Temporary Resident Identification Card (I-688).

(3) Alien Registration Receipt Card (I-151) valid until declared invalid by ~~INS~~ DHS.

(4) Permanent Resident Re-entry Permit (I-327).

(5) U.S. Border Crossing Identification Card and Visa (Known as the "Mica") with a valid I-94.

(6) A foreign passport stamped "Processed for I-551".

(7) Record of Arrival and Departure (I-94) stamped Temporary Evidence of Lawful Admission for Permanent Resident.

(c) Immigrants may also submit one of the following unexpired U.S. Military Identification Cards and documents:

(1) DD-2 for active duty, reserve or retired Air Force, Army, Marine Corps, or Navy.

(2) DD-1173 for dependents of active duty military personnel, Air Force, Army, Marine Corps, or Navy.

(3) AF-447, A-447, MC-447, N-447 for dependents of reserve duty military personnel, Air Force, Army, Marine Corps, or Navy.

(4) DD-1934 for Medical/Religious personnel.

(5) DD-214 Report of Separation for Air Force, Army, Marine Corps, or Navy personnel.

(d) Non-immigrants shall submit one of the following ~~United States Immigration and Naturalization Service (INS)~~ Department of Homeland Security (DHS), Canadian documents or other document with an ~~INS~~ DHS notation to prove their legal presence in the United States. Non-immigrants are persons who have lawful temporary status for a specific purpose. Documents must be legible and unaltered to establish proof of the person's legal presence in the United States.

(1) Canadian passport (expired or unexpired).

(2) A certified copy of a Canadian birth certificate.

(3) Non-Resident Alien Canadian Border Crossing Card (I-185, I-586).

(4) Mexican Border Crossing Card (I-186 with a valid I-94 or I-586 with a valid I-94).

(5) Record of Arrival and Departure (I-94 or I-94W) with a valid foreign passport.

(6) Record of Arrival and Departure (I-94) with one of the following types of unexpired foreign passports to Hong Kong residents:

(A) Certificate of Identity.

(B) Document of Identity.

(C) British National Overseas (BNO).

(D) Hong Kong Special Administrative Region (HKSAR).

(e) Other documents which may prove legal presence in the United States are:

(1) A certified order or judgment from a court of competent jurisdiction stating the true full name, date of birth and that the applicant was born in the U.S. or U.S. Territories or that the applicant's presence in this country is authorized by Federal law.

(2) Certification provided by the California ~~Youth Authority (CYA)~~ Department of Corrections and Rehabilitation (CDCR) which verifies the legal presence of the applicant.

~~(3) Certification provided by the California Department of Corrections and Rehabilitation (CDCR) which verifies the legal presence of the applicant.~~

~~(4)~~(3) Employment Authorization Card (I-688A, I-688B, I-766).

~~(5)~~(4) Record of Arrival and Departure stamped "Refugee, or Asylee, Parolee or Parole" (I-94) coded: Section 207 (Refugee), 208 (Asylum), 209 (Refugees), 212d(5) (Parolee), HP (Humanitarian Parolee) or PIP (Public Interest Parolee).

~~(6)~~(5) An immigration Judge's Order Granting Asylum.

~~(7)~~(6) Refugee Travel Document (I-571).

~~(8)~~(7) Notice of Action (I-797) Approved Petition).

Note: Authority cited: Sections 1651 and 12801.5, Vehicle Code. Reference: Sections 12800 and 12801.5, Vehicle Code.

### **§15.03. Terms of Issuance and Restrictions.**

(a) The department shall issue a temporary driver license valid for up to 60 days provided there is no other cause for refusal pending verification of documents submitted as proof of legal presence, ~~or to allow applicants sufficient time to provide such documents. The department may extend the temporary license if the applicant provides evidence that he/she is in the process of obtaining proof of legal presence.~~

(b) The department shall not ~~issue~~ accept an application for a driver license or identification card if the documents submitted as proof of legal presence in the United States indicate an expiration date less than 61 days from the application date. Canadian and U.S. passports are not subject to this requirement.

(c) The department shall not accept an application for an original identification card if the applicant cannot provide one of the documents in Section 15.00 to establish proof of legal presence.

(d) The department may elect to verify the authenticity of any document provided as proof of legal presence. Verification of documents may include electronic verification systems or manual methods.

(e) The department may issue a driver license or identification card termed to expire on the same date as the expiration date on the valid ~~INS DHS~~ document, or if there is no expiration date on the federal document, for a period not to exceed one year from the date the DHS document was issued.

Note: Authority cited: Sections 1651 and 12801.5, Vehicle Code. Reference: Sections 12506, 12800, 12801.5, 12805, 12816, 13000, 13002 and 14100, Vehicle Code.